

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

July 26, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

C060227 THE PEOPLE v. JOE RODRIGUEZ, JR.

Cause called. Grace Suarez, court appointed counsel, argued for appellant. Brook A. Bennigson, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:45 a.m., the court recessed. At 9:46 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

C062514 ANDERSON et al. v. LORETTO HIGH SCHOOL et al.

Cause called. James F. Sweeney argued and Stephen J. Greene appeared only for appellant. Quin Denvir argued and Michael R. O'Neil appeared only for respondent. Cause submitted.

At 10:19 a.m., the court recessed. At 10:20 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C061165 TRACKMAN v. KENNEY

Cause called. James J. Falcone argued for appellant. Daniel E. Garrison argued and Brad Stuckey appeared only for respondent. Cause submitted.

At 10:49 a.m., the court recessed. At 10:50 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061848 FARR v. COUNTY OF NEVADA

Cause called. John M. Farr argued in pro. per. for appellant. Scott A. McLeran, Deputy County Counsel, argued for respondent. Cause submitted.

At 11:12 a.m., the court recessed. At 11:13 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

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C062283 THE PEOPLE v. ELDON WAYNE LAURI

Cause called. Donn Ginoza, court appointed counsel, argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:42 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C062020 In re RONALD JUSTIN TAYLOR on Habeas Corpus.

Cause called. George M. Hendrickson, Deputy Attorney General, argued for appellant. Robert D. McGhie argued for respondent. Cause submitted.

At 2:08 p.m., the court recessed until 9:30 a.m., Monday, August 16, 2010.

C058631 THE PEOPLE v. JOSE MERCED (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**C059605 THE PEOPLE v. (Not For Publication)
JEFFREY MICHAEL LANE**

The judgment is modified...

ROBIE, J.

I concur: Nicholson, J.

I concur in the majority opinion, with the exception of part IV. ...

Sims, Acting P.J.

**C059979 THE PEOPLE v. (Not For Publication)
AARON L. STRIBLING**

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C063771 THE PEOPLE v. PAUL TOLLESON (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Hull, Acting P.J.

Butz, J.

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C062573 In re L.S. et al.; SACRAMENTO (Not For Publication)
C062892 COUNTY DEPARTMENT OF HEALTH

**AND HUMAN SERVICES v. S.C.
In re L.S. et al.; SACRAMENTO
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. S.C. et al.**

The orders terminating parental rights and denying father's petition for modification are reversed and the matter is remanded for the limited purpose of compliance with the ICWA. The juvenile court shall order the Department to comply with the notice and inquiry provisions of the ICWA. Thereafter, if there is no response or if the Cherokee tribes determine the minors are not Indian children, the orders shall be reinstated. However, if a Cherokee tribe determines the minors are Indian children and the court determines the ICWA applies to this case, the juvenile court is ordered to conduct a new combined hearing to determine father's petition for modification and to select a permanent plan for minors in conformance with all provisions of the ICWA.

BUTZ, J.

We Concur: Hull, Acting P.J.
 Robie, J.

C061207 THE PEOPLE v. MICHAEL JAMES RODRIGUEZ
BY THE COURT:

Appellant's petition for rehearing is denied.
RAYE, Acting P.J.

July 27, 2010

C056183 THE PEOPLE v. (Not For Publication)
IRA GORDON et al.

The parole revocation fines are stricken from each judgment. ... In all other respects, the judgments are affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.
 Butz, J.

C060603 THE PEOPLE v. (Not For Publication)
CAMRON JOSIAH DEMLING

The judgment is reversed.

HULL, J.

We Concur: Blease, Acting P.J.
 Robie, J.

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- C060921 THE PEOPLE v. (Not For Publication)**
WILLIAM RAY PALMER, JR.
The judgment is affirmed with an award of an additional 132 days of
presentence conduct credits. ...
BLEASE, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C062127 THE PEOPLE v. (Not For Publication)**
JUAN ANTONIO VELAZQUEZ
The judgment is affirmed.
BUTZ, J.
We Concur: Robie, Acting P.J.
Cantil-Sakauye, J.
- C062417 THE PEOPLE v. (Not For Publication)**
CHRISTOPHER BRADLEY BESS
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Butz, J.
- C062783 THE PEOPLE v. (Not For Publication)**
JESSE DEWAYNE PARKER
The judgment is affirmed. The trial court shall prepare and forward to the
Department of Corrections and Rehabilitation a new abstract of judgment.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C062808 THE PEOPLE v. (Not For Publication)**
ALAREN L. FRAZIER
The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C063046 THE PEOPLE v. (Not For Publication)**
THERON CLAYTON HARRIS
The judgment is modified... As so modified, it is affirmed. ...
SCOTLAND, P.J.
We Concur: Raye, J.
Hull, J.

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- C063217 THE PEOPLE v. (Not For Publication)**
JASON A. JOHNSON
The matter is remanded to the trial court to determine the statutory bases for the fine, penalty assessments, and fees imposed. ... As modified, the judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C063387 THE PEOPLE v. (Not For Publication)**
BEN DEAN BARTEE, SR.
The judgment is affirmed. Unless there is a disqualifying conviction dehors the present appellate record, the trial court shall issue an amended abstract of decision reflecting a total award of 100 days of conduct credits, and forward a copy to the Department of Corrections and Rehabilitation.
BLEASE, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C063688 THE PEOPLE v. (Not For Publication)**
CLARENCE BARTHOLOMEW HICKMAN
The order for involuntary treatment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C063938 THE PEOPLE v. CHENG VANG (Not For Publication)**
The judgment is modified to reflect that defendant is entitled to 138 days of presentence custody credits and 138 days of presentence conduct credits. As so modified, it is affirmed. ...
SCOTLAND, P.J.
We Concur: Raye, J.
Hull, J.
- C063950 THE PEOPLE v. (Not For Publication)**
ANDREW LOUIS CORNETT
The judgment, as modified, is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.

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- C061170 CHAVEZ v. COX (Not For Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C061192 Estate of JACK WILLIAM MOON, SR., (Not For Publication)**
Deceased; MUNOZ v. GATELY
The judgment is affirmed. Munoz shall recover costs on appeal.
(Cal. Rules of Court, rule 8.278 (a).)
RAYE, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C061310 WALSTAD v. FRANKS (Not For Publication)**
The judgment is affirmed. Susan is entitled to costs and attorney fees on
appeal in an amount to be determined in the trial court.
(See Cal. Rules of Court, rule 8.278 (a)(1).)
SCOTLAND, P.J.
We Concur: Sims, J.
Robie, J.
- C061459 MILLER v. BUSH, SR., et al. (Not For Publication)**
The order awarding attorney fees to the Bushes based on this court's
procedural dismissal of the first appeal is reversed. The parties shall bear their
own costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(5).)
SCOTLAND, P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C061789 In re the Marriage of RENEE S. and (Not For Publication)**
KENNETH S. KEATING; KEATING v.
KEATING
The trial court's judgment (order) is affirmed. Wife shall recover her
costs on appeal, if any. (Cal. Rules of Court, rule 8.278 (a)(1) & (2).)
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Raye, J.

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- C062306 KIRBY et al. v. IMMOOS FIRE (Certified For Publication)**
PROTECTION, INC.
The order granting attorney's fees to Immoos is reversed. ... Each party shall bear its own costs and attorney's fees on appeal.
(Cal. Rules of Court, rule 8.278 (a)(5).)
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C063068 In re the Marriage of THAO NGUYEN and (Not For Publication)**
THOMAS NGOC TRAN; NGUYEN v. TRAN
The judgment is affirmed.
HULL, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C060658 In re J.M.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. V.C.
The judgment (jurisdictional and dispositional orders) is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C061843 In re MARKAYLA B. et al.; SACRAMENTO (Not For Publication)**
COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. ONIKA B.
The orders of the juvenile court are affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C063572 In re N.W. et al.; SACRAMENTO (Not For Publication)**
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. N.L.
The juvenile court's orders are affirmed.
HULL, Acting P.J.
We Concur: Robie, J.
Butz, J.

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July 28, 2010

C064813 A.V., SR. v. THE SUPERIOR COURT (Not For Publication)
OF SAN JOAQUIN COUNTY; SAN
JOAQUIN COUNTY HUMAN SERVICES
AGENCY et al.

The petition for extraordinary writ is denied.

HULL, Acting P.J.

We Concur: Robie, J.

Butz, J.

C060196 ORANEN v. PRICE (Not For Publication)
THE COURT:

It is ordered that the opinion filed herein on July 1, 2010, be modified...

There is no change the judgment.

The petition for rehearing is denied.

SIMS, Acting P.J.

Hull, J.

July 29, 2010

C063656 THE PEOPLE v. MARK HERRERA (Not For Publication)

The judgment is affirmed.

SCOTLAND, P. J.

We Concur: Sims, J.

Hull, J.

C064376 THE PEOPLE v. (Not For Publication)
CODY WAYNE WILLIAMS

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.

Hull, J.

C056179 RAWLINGS v. BAUMAN; (Not For Publication)
BAUMAN v. RAWLINGS

The judgment is affirmed. Bauman is awarded his costs on appeal.
(Cal. Rules of Court, rule 8.278 (a)(1), (2.)

BLEASE, Acting P.J.

We Concur: Sims, J.

Cantil-Sakauye, J.

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C060089 BANK OF AMERICA, N.A. v. STONEHAVEN MANOR, LLC, et al.
BY THE COURT:
Appellants' petition for rehearing is denied.
SCOTLAND, P.J.

July 30, 2010

C062133 THE PEOPLE v. DAGUN TIENG (Not For Publication)
The judgment is affirmed as modified. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.
SIMS, J.
We Concur: Blease, Acting P.J.
 Hull, J.

C060886 SACRAMENTO SUNCREEK (Certified For Partial Publication)
APARTMENTS, LLC, et al. v.
CAMBRIDGE ADVANTAGED
PROPERTIES II, L.P., et al.
The judgment (order quashing service and dismissing the complaint against defendants) is affirmed. Defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)
HULL, J.
We Concur: Scotland, P.J.
 Cantil-Sakauye, J.